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March 7, 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

ZHONG et al.

Serial. No. 09/928,614

Filed: August 13, 2001

For: METHODS FOR STABLE

TRANSFORMATION OF PLANTS

Art Unit: 1638

Examiner: TBA

Atty Docket: 31514USNP

Confirmation No.: 7523

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)(3)

Commissioner for Patents Washington, D.C. 20231

i derdi file

Sir:

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b)(3), Applicants bring to the attention of the Examiner the documents listed on the attached PTO-1449. To the undersigned's knowledge, this Information Disclosure Statement is being filed before the first Office Action on the merits.

Copies of the listed documents are attached. Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached forms.

Kotowska, Von Urszula, *Bull. Of the Polish Acad. Sci.*, Vol. 32 (1984), pp. 11-12, (Reference J3) is not in English. However, the summary of the paper is in English (See Page 1). The paper provides a description relating to callus production from epidermal cells of sugar beet.

Sander, Transformation von Beta vulgaris L., (Ph.D. Thesis, University of Hannover, Germany, 1994) (Reference V3) is not in English. However, a translation of the summary of the thesis is provided herein. The reference relates to Agrobacterium-mediated gene transfer with Beta vulgaris using cotyledonary explant.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed documents are material or constitute "prior art." If the Examiner applies these documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of the documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should any of these documents be applied against the claims of the present application.

In re Application of ZHONG et al. Serial No. 09/928,614

In accordance with 37 CFR §1.97(b)(3), no fee is believed to be required for consideration of this statement because it is being submitted before the mailing date of a first Office Action on the merits. If a fee is deemed to be required, the Commissioner is hereby authorized to charge such fee to Deposit Account No. 50-1744.

Respectfully submitted,

Marcia R. Morton

Attorney for Applicants

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Syngenta Biotechnology, Inc.

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Research Triangle Park, NC 27709-2257

Telephone: 919-541-8566 Date: March 7, 2003

PTO/SB/21 (08-00)

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| & Wallenko. | | Examiner Name | | KALLIS, Russell | | | | |
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| SIGNATI | JRE OF APPL | ICANT, ATTORNEY | , OR A | GENT | | | | |
| Firm or Individual name Marcia R. Mor | ton, Attorne | ey for Applicant | s, Re | gistration No. 46,942 | | | | |
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| Effective 01/01/2003. Patent fees are subject to annual revision. | | | iner Name | KALLIS, Russell | C 3 |
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| Name (Print/Type) Marcia R. Morton | | Registra (Attorney | tion No. 46,9 | 742 Telephone 919-541-8566 | |
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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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INFORMATION DISCLOSURE CITATION

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ATTY. DOCKET NO. S-31514A APPLICATION NO. 09/928,614 APPLICANT ZHONG et al FILING DATE: 08/13/2001

Confirmation No. 7523

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^{*}EXAMINER: Initial of reference considered, whether or not citation is in conformance with MPEP 609: Draw a line through citation if not in conformance and not considered. Include a copy of this form with the next communication to applicant.

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| RADEDA | OTHER DOCUMENTS (Including Author, Title, Date, Pertinent pages, Etc.) |
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EXAMINER